



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Environmental Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

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February 25, 2015

Ms. Marlo Draper
Bureau of Land Management
222 West 7th Avenue, #13
Anchorage, Alaska 99513

Re: *Draft-Final Proposed Plan*
Red Devil Mine

Dear Ms. Draper:

The Alaska Department of Environmental Conservation (DEC) has reviewed the Bureau of Land Management's (BLM) *Draft-Final Proposed Plan* for the Red Devil Mine site. DEC has also reviewed BLM's responses to some of our comments on the December 2015 *Draft Proposed Plan* which were provided via electronic mail on January 26, 2016 and discussed in a comment resolution meeting on February 16th. BLM has not yet provided a response to the DEC's December 2, 2015 letter regarding the remaining issues of significant disagreement which were also included as concerns in the DEC's *Draft Proposed Plan* comment letter also dated December 2nd.

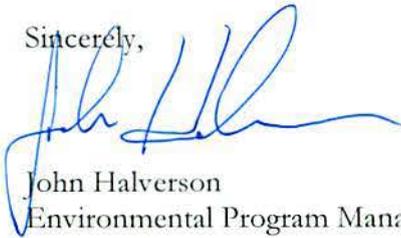
The most significant difference between the *Draft Proposed Plan* and the *Draft-Final Proposed Plan* is the change in the preferred alternative from Alternative 3A to Alternative 3C. We acknowledge that BLM changed the preferred alternative in response to comments from the State agencies, Environmental Protection Agency, and The Kuskokwim Corporation. However, it remains DEC's position that BLM has failed to include all Applicable or Relevant and Appropriate Requirements (ARARs) for Alternative 3C and the repository, as currently designed, does not meet the design specifications required under Alaska law. State law requires such disposal sites include a bottom liner and leachate collection system, unless sufficient hydrogeologic modeling has been conducted to demonstrate they are not necessary. To date, insufficient design and modeling have been done to support such a determination. Furthermore BLM has not committed to conducting additional modeling in collaboration with the DEC during the design phase in order to make such a determination.

Therefore, DEC cannot support the selection of Alternative 3C as the preferred alternative at this time. In accordance with Section 300.515(e)(1) of the National Contingency Plan, BLM is required to include "a statement that the lead and support agencies have reached agreement or, where this is not the case, a statement explaining the concerns of the support agency with the lead agency's proposed plan".

Given that the BLM desires to begin the public comment period for the Proposed Plan next week, we are certainly willing to prioritize working together to develop some acceptable language which accurately describes the DEC's concerns.

If you would like to discuss this issue further, please feel free to contact me at (907) 269-7545, or john.halverson@alaska.gov.

Sincerely,



John Halverson
Environmental Program Manager

cc: Anne Marie Palmieri, DEC-CSP (via electronic mail only)
Jenn Currie, Law (via electronic mail only)
Matt Wilkening, EPA (via electronic mail only)
David Schade, DNR (via electronic mail only)
Ali Hamade, DHSS (via electronic mail only)
Jacob Cunha, ADF&G (via electronic mail only)
Marty Brewer, DEC-Solid Waste (via electronic mail only)
Lori Aldrich, DEC-Solid Waste (via electronic mail only)
Bob Blankenburg, DEC-Solid Waste (via electronic mail only)
Ted Wu, DEC-CSP (via electronic mail only)
Bill Richards, E&E (via electronic mail only)
Andrea Gusty, The Kuskokwim Corporation (via electronic mail only)